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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN GELLER and AARON BIRNBAUM

Appeal 2009-005679
Application 10/639,611
Technology Center 3600

Decided: November 17, 2009

Before ANTON W. FETTING, BIBHU R. MOHANTY, and
KEVIN F. TURNER *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants seek our review under 35 U.S.C. § 134 of the final rejection of claims 10, 12-18, and 20-27. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We REVERSE[1].

THE INVENTION

Appellants' claimed invention relates to a method and system for facilitating a realty transaction using a computer system including at least one database. A graphical user interface is provided which allows users to select information about a realty deal. The selected information is then displayed on a computer screen. (Abs.).

Independent claim 10, which is deemed to be representative, reads as follows:

> 10. A method for using a computer system to facilitate a deal related to a mortgage refinancing on a first real property, the method comprising:
>
> storing in a database (i) realty data identifying a plurality of real properties including address data associated with each real property, and (ii) deal data identifying a plurality of deals for mortgage refinancing previously closed on at least some of the real properties in the realty data;

[1] Our decision will make reference to the Appellants' Appeal Brief ("Br.," filed Jul. 28, 2008) and the Examiner's Answer ("Ans.," mailed Sep. 2, 2008).

displaying on a computer display a deal information screen including data obtained from the database identifying one or more of the plurality of real properties, the deal information screen containing a first user actuatable button, a second user actuatable button, and a third user actuatable button;

allowing the user to select one of the real properties displayed in the deal information screen;

in response to the user actuating the first user actuatable button by a single user selection, searching the database for first deal data comprising one or more previously closed deals for mortgage refinancing at the same address as the selected real property, retrieving the first deal data, and displaying the first deal data on the computer display;

in response to the user actuating the second user actuatable button by a single user selection, searching the database for second deal data comprising one or more previously closed deals for mortgage refinancing at addresses located on the same street as the first real property, retrieving the second deal data, and displaying the second deal data on the computer display; and

in response to the user actuating the third actuatable button by a single user selection, searching the database for additional information about the selected real property, retrieving the additional information, and displaying the additional information on the computer display.

THE REJECTION

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Raveis, JR.	US 2001/0005829 A1	Jun. 28, 2001

The Examiner rejected claims 10, 12-18, and 20-27 under 35 U.S.C. § 102(b) as anticipated by Raveis, JR.

ARGUMENTS

The Examiner took the position that Raveis, JR. discloses the subject matter claimed in independent claims 10 and 20 and all of their dependent limitations. (Ans. 5-10).

Appellants argue *inter alia* that Raveis, JR. does not disclose "providing three user actuatable buttons, each actuated by a single user selection, which result in the search for and retrieval of deal information specifically related to a selected real property. . . " (Br. 9).

Rather than repeat the arguments of the Appellants or Examiner, we make reference to the Brief and the Answer for their respective details. Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants did not make in the Brief have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

Have Appellants shown that Examiner erred in rejecting claims 10, 12-18, and 20-27 under 35 U.S.C. § 102(b) as anticipated by Raveis, JR.?

FINDINGS OF FACT

The record supports the following findings of fact (FF) by at least a preponderance of the evidence. *In re Caveney*, 761 F.2d 671, 674 (Fed. Cir. 1985) (explaining the general evidentiary standard for proceedings before the Office).

1. Raveis, JR. is directed towards a system and method of managing customer relationships throughout a real estate transaction cycle over a distributed computer network. (Abs.).

2. Raveis, JR. discloses, ". . . the steps of receiving and storing data relating to a plurality of customers including buyers and sellers of real estate in a computerized database." (Abs.).

3. The databases disclosed in Raveis, JR. contain realty data regarding address information, MLS listings information, and mortgage information relating to terms of a mortgage. (¶ [0019] and ¶ [0033]).

4. Raveis, JR. discloses that it was known in the prior art to search property listings according to search criteria. (¶ [0011]).

5. The system of Raveis, JR. is operable through a website and includes a plurality of web pages. (¶ [0039]).

PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

ANALYSIS

Claims 10, 12-18, and 20-27 rejected under 35 U.S.C. § 102(b) as anticipated by Raveis, JR.

Appellants argue regarding claims 10 and 20 that *inter alia* Raveis, JR. does not disclose "providing three user actuatable buttons, each actuated by a single user selection, which result in the search for and retrieval of deal information specifically related to a selected real property. . . " (Br. 9). In response to this argument, the Examiner found:

> What Applicants are describing is a display page with three links to three different searches. This is old and well known in the art and is described in the prior art reference. The button feature is variously described as among other things, a bookmark, or a link. Raveis describes a number of different links to a wide range of information. Each of the links described is a separately user actuatable button, accessed by a single user selection, which promptly takes the user from a single display screen to the respective desired information.

(Ans. 12).

We disagree with the Examiner and find Appellants' arguments to be compelling. As Appellants suggest, Raveis, JR. does not disclose "providing three user actuatable buttons, each actuated by a single user selection, which result in the search for and retrieval of deal information specifically related to a selected real property. . . " (Br. 9). While the Examiner may be correct that Raveis, JR. describes a number of different web links (FF 4), which may be construed as "user actuatable buttons," we cannot find that Raveis, JR. discloses the steps of searching, retrieving, and displaying deal information specifically related to a selected property in

response to a user actuating a first, second, and third button as required by Appellants' method. While it may be possible for Raveis, JR. to provide such a functionality, we do not find it to be explicitly disclosed therein.

Likewise, regarding claim 20, although Raveis, JR. operates over a computer network (FF 1), we cannot find Raveis, JR. to disclose a programmed processor as required by Appellants. As discussed *supra*, Raveis, JR. does not disclose "providing three user actuatable buttons, each actuated by a single user selection, which result in the search for and retrieval of deal information specifically related to a selected real property…" (Br. 9). Thus, since we find Raveis, JR. to not disclose the program performed by the processor, the processor disclosed by Raveis, JR. would not be programmed such that it anticipates each and every limitation as set forth in the claim.

Therefore, while there are similarities in the aims of the present application and Raveis, JR., we do not find Raveis, JR. to disclose each and every limitation as set forth in claims and 10 and 20.

Accordingly, we conclude that Appellants have shown that the Examiner erred in rejecting claims 10 and 20 under 35 U.S.C. § 102(b) as anticipated by Raveis, JR. As such, we find that the rejections of claims, 12-18, and 21-27 were also made in error for the same reasons discussed *supra*.

CONCLUSION OF LAW

The decision of the Examiner rejecting claims 10, 12-18, and 20-27 under 35 U.S.C. § 102(b) as being anticipated by Raveis, JR., is REVERSED.

DECISION

The Examiner's rejections of claims 10, 12-18, and 20-27 before us on appeal are REVERSED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

REVERSED

ack

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